

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL CASE NO. 3:08cr188

UNITED STATES OF AMERICA,

vs.

MARIO EDWARD ROANE.

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ORDER

THIS MATTER is before the Court *sua sponte* to continue the case.

On August 28, 2008, the Defendant was charged in a two-count bill of indictment with bank robbery by force, violence, and intimidation, in violation of 18 U.S.C. §2113(a). An arrest warrant was issued. The Defendant's initial appearance was on September 23, 2008 at which time the Court approved the appointment of counsel. The Defendant's arraignment was on September 26, 2008, at which time the Defendant appeared through appointed counsel and his case was placed on the October 14, 2008 calendar for trial.

"Unless the defendant consents in writing to the contrary, the trial shall not commence less than thirty days from the date on which the

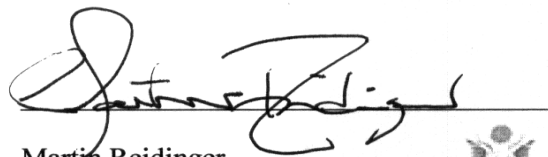
defendant first appears through counsel or expressly waives counsel and elects to proceed pro se." 18 U.S.C. §3161(c)(2). The Defendant here has not so consented and thus, his trial may not start less than thirty days from his appearance with counsel.

In addition, the Court finds that counsel would not have an adequate opportunity to prepare for trial, taking into account the exercise of due diligence. The Court therefore finds that a failure to grant the continuance "would unreasonably deny the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." 18 U.S.C. §3161(h)(8)(B)(iv).

For the reasons stated herein, the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161(h)(8)(A).

IT IS, THEREFORE, ORDERED that the above-captioned case is **CONTINUED** from the October 14, 2008 term in the Charlotte Division.

Signed: September 26, 2008


Martin Reidinger
United States District Judge

